



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DCP/JPM/JPL/GMM
F. #2017R01739

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 14, 2018

By Fed-Ex and ECF

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Re: United States v. Michael Leslie Cohen
Criminal Docket No. 17-544 (NGG)

Dear Counsel:

Enclosed please find the government's supplemental discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant. The records below are "Discovery Materials" as defined in the Stipulation and Order entered by the Court on September 7, 2018, and being produced under the terms of that Stipulation and Order.

Enclosed please find:

- Documents relating to certain of Och-Ziff Capital Management Group LLC ("Och-Ziff") business partners, Bates numbered DOJ_MC-0019894429 through DOJ_MC-0019894482;
- Bank records for third-party account holders provided by banks located in foreign jurisdictions, Bates numbered DOJ_MC-0019894483 through DOJ_MC-0019904804, and DOJ_MC-0019909279 through DOJ_MC-0019909341;

- Bank records produced by Citibank for a third-party account, Bates numbered DOJ_MC-0019904805 through DOJ_MC-0019904942;
- Documents produced by Och-Ziff related to AGC II's investments, Bates numbered DOJ_MC-0019904943 through DOJ_MC-0019908810. These records include 90 audio recordings produced by Och-Ziff, which are Bates numbered DOJ_MC-0019908721 through DOJ_MC-0019908810;
- Transcripts for certain audio recordings referenced above which were prepared by counsel for Och-Ziff, Bates numbered DOJ_MC-0019908811 through DOJ_MC-0019909278; and
- Investment adviser registrations filed by Och-Ziff with the U.S. Securities and Exchange Commission for the time period March 30, 2007 through March 31, 2011, Bates numbered DOJ_MC-0019909342 through DOJ_MC-0019909785.

Affidavits concerning the authenticity of business records are included herein. Where such affidavits are included, per Federal Rules of Evidence 803(6) and 902(11), the government intends to proffer those records into evidence at trial as self-authenticating. See United States v. Komasa, 767 F.3d 151 (2d Cir. 2014). Further, records concerning the authenticity of certain foreign banks records are included in this production, including at DOJ_MC-0019900876 through DOJ_MC-0019900883. Pursuant to 18 U.S.C. § 3505, the government hereby provides notice that it may seek to introduce these records into evidence through the foreign certifications herein provided.

Finally, this production contains a .dat overlay listing the original COHENSEC, OZAC, and OZC BEGDOC, ENDDOC, BEGATT, and ENDATT fields for documents included in this production and the government's discovery production of July 30, 2018. If you have any questions concerning this production or any matter related to the government's discovery, please do not hesitate to contact us.

Very truly yours,

RICHARD P. DONOGHUE
United States Attorney

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Enclosures

cc: Clerk of the Court (NGG) (by ECF) (without enclosures)